IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM PAUL ECONOMOU,

       Plaintiff,

vs.   Civ. No. 03-0405 MV/RLP

WELLS FARGO, OPERATING
ENGINEERS FEDERAL CREDIT UNION,
STANFORD FEDERAL CREDIT UNION,
CAL STATE 9 FEDERAL CREDIT UNION,
ANB-BP, VERISON WIRELESS and OSI
COLLECTION SERVICES,

       Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant Operating Engineers Federal

Credit Union's Motion for Summary Judgment, filed August 18, 2004, **[Doc. No. 86]** and

Defendant Citibank (South Dakota), N.A.'s Motion to Dismiss, filed August 18, 2004,

[Doc. No. 82]. Plaintiff did not respond to either motion. Failure to file and serve a response in

opposition to a motion within the time prescribed for doing so constitutes consent to grant the

motion. D.N.M.LR-Civ. 7.1(b). Furthermore, this result would not change if the Court were to

reach the merits of the motions. The Court, which has previously ruled on several motions to

dismiss and motions for summary judgment in this case, has reviewed the motions and finds that

Defendant Citibank's motion demonstrates that there are fatal legal defects in Plaintiff's claims

against it. Similarly, the undisputed facts set forth in Defendant Operating Engineers Federal

Credit Union's ("OEFCU") motion demonstrate that OEFCU did not take an adverse action

against Plaintiff based on information in a consumer report and OEFCU is entitled to judgment as

a matter of law on Plaintiff's remaining claim against it.

IT IS THEREFORE ORDERED that Defendant Operating Engineers Federal Credit

Union's Motion for Summary Judgment, filed August 18, 2004, **[Doc. No. 86]**, and Defendant

Citibank (South Dakota), N.A.'s Motion to Dismiss, filed August 18, 2004, **[Doc. No. 82]**, are

hereby **GRANTED**.

Dated this 4th day of November, 2004.

MARTHA VAZQUEZ
U. S. DISTRICT COURT JUDGE

Plaintiff *pro se*

Attorney for Defendant OECFU:
        Daniel C. Opperman, Esq.

Attorney for Defendant Citbank:
        Robert M. St. John, Esq.
        Christopher M. Wolpert, Esq.